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10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 UNITED STATES OF AMERICA, ) CR No. 3:13-mj-70400 LB

16 v. )

17 CHRISTOPHER ELMORE, )

18 Defendant. )

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME LIMITS OF  
RULE 5.1(c) AND EXCLUDING TIME**

19 \_\_\_\_\_ )  
20  
21 On April 15, 2013, the parties in this case appeared before the Court for an initial  
22 appearance on a Complaint. On April 19, 2013, the parties submitted, and the Court granted, this  
23 Stipulation and Proposed Order Extending the Time Limits of Rule 5.1(c) and Excluding Time  
24 until May 20, 2013. The parties now submit a second Stipulation and Proposed Order Extending  
25 the Time Limits of Rule 5.1(c) and Excluding Time until June 21, 2013.

26 Pursuant to Rule 5.1(d), the defendant consents to this extension of time and waiver, and  
27 the parties represent that good cause exists for the extension, including the effective preparation  
28 of counsel. The requested continuance is needed to allow counsel sufficient time to prepare and

review discovery that the government has provided, and the failure to grant the continuance requested would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the parties agree that the Court shall order that the Speedy Trial clock shall be tolled for the reasons stated above from May 20, 2013 to June 21, 2013, and that the arraignment/ preliminary hearing be continued until June 21, 2013. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

SO STIPULATED:

MELINDA HAAG  
United States Attorney

DATED: May \_14\_, 2013

/s/  
NATALIE LEE  
Assistant United States Attorney

DATED: May \_14\_, 2013

/s/  
RITA BOSWORTH  
Attorney for Christopher Elmore

~~PROPOSED~~ ORDER

For the reasons stated above, the Court finds that the extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from May 20, 2013 through June 21, 2013 is warranted and that a continuance of the defendant's arraignment / preliminary hearing to June 21, 2013 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 5/15/13

THE HONORABLE  
United States Judge Joseph C. Spero

